



App. No. : 09/742,046  
Applicant : Jerry Mizell  
Filed : Dec. 20, 2000  
Title : Dual Protocol GPRS Mobile  
Terminal and Method Therefor  
TC/A.U. : 2683  
Examiner : Miller, Brandon J.  
Docket No. : 13729RR  
Conf. No. : 9952

**CERTIFICATE OF MAILING UNDER RULE 8**

I hereby certify that this correspondence is being deposited in the United States Mail under 37 C.F.R. §1.8 with sufficient First Class Postage and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 26, 2004.

By:   
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P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICIAL ACTION UNDER 37 CFR 1.116**

Interview Summary

On April 6, 2004, a telephonic interview was held between the Examiner, Brandon J. Miller, and the undersigned Attorney, James A. Harrison. The Examiner and the undersigned Attorney discussed independent claims 1, 6 and 11. The Examiner and the undersigned Attorney agreed that the claims as previously amended do seem to overcome the primary reference of Collins (U.S. 6,424,828). The Examiner stated, however, that an updated search would be required. In particular, Collins did not show that a mobile terminal could receive and process an SMS message in one of a legacy format or an IP data packet format as is required by the independent claims. Moreover, Collins does not show a mobile terminal that has the capacity to merely receive SMS messages in an IP data packet format, and further including the capability of reforming the SMS message with SMS packet headers as is required by claim 11.

Response to Official Action

Responsive to the Official Action mailed on December 24, 2003, the period for response thereto now set to expire on April 26, 2004 as April 24, 2004 was a Saturday, the Applicants hereby make the following arguments and remarks. As such, reconsideration of the action and allowance of the present application are respectfully requested and are believed to be appropriate in view of the following:

**Amendments to the Specification – N/A**

**Amendments to the Claims** begin on page 2 of this paper.

**Amendments to the Drawings – N/A**

**Remarks/Arguments** begin on page 5 of this paper.